



[2025] EWCA Civ 367

Matthew Carter

- v -

The Chief Constable of Essex Police

PRESS SUMMARY

*This summary is provided for the benefit of the press and public. It does not form part of the judgment.
References in square brackets are to numbered paragraphs of the judgment.*

1. The Court of Appeal (The Baroness Carr of Walton-on-the-Hill (Lady Chief Justice), Dame Victoria Sharp (President of the King's Bench Division) and Lord Justice Edis today handed down judgment in this (second) appeal. It dismissed the appeal.
2. The appeal concerns the treatment of detainees in police custody and the powers of custody officers to order the complete removal of a detainee's clothing without consent and with force under s. 54 of the Police and Criminal Evidence Act 1984 (s. 54) (PACE).
3. The central question of law was whether the custody officer's relevant belief for the purpose of exercising the power under s. 54(4)(a) PACE to seize clothes or personal effects of a detainee brought to a police station after (lawful) arrest must be not only genuine but also based on reasonable grounds [4].
4. Upholding the decision of Martin Spencer J (who overturned the decision of the recorder), the Court of Appeal held that the omission of a criterion of reasonableness in s. 54(4)(a) was a deliberate decision by Parliament. The proper construction of s. 54(4)(a) is clear: in order lawfully to exercise the power under s. 54(4)(a) to seize clothes or personal effects of a detainee brought to a police station after (lawful) arrest, the custody officer must actually (but not

necessarily reasonably) hold the relevant belief. There is no independent requirement for the relevant belief to be reasonable. However, the more unreasonable the relevant belief, the less likely it is to have been actually held by the custody officer in question [36; 39; 59; 60].

5. In addition, the Court of Appeal upheld the appellate judge's interference with the recorder's finding that the use of force by police officers was unnecessary. The recorder's judgment contained a number of flaws such that the appellate judge was entitled to interfere and hold that the use of force was necessary in all the circumstances [78; 94].

Important note for the press and the public: this summary is provided to assist in understanding the Court of Appeal's decision. It does not form part of the reasons for the decision. The full judgment ([2025] EWCA Civ 367) is the only authoritative document. The judgment is a public document and is available online at Judgments Archive - Courts and Tribunals/Judiciary: <https://caselaw.nationalarchives.gov.uk/>